

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA**

**JUDGMENT IN A CRIMINAL CASE**

v.

Case Number: 21-cr-0005-bhl-1

USM Number: 27931-509

**JOHN D. WHELAN**

Meggan Sullivan

Defendant's Attorney

Julie Stewart & Kevin

Knight

Assistant United States Attorney

THE DEFENDANT pled guilty to Count One and Count Fourteen of the Indictment. The Court adjudicates him guilty of these offenses:

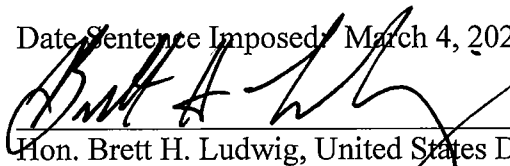
Title & Section	Nature of Offense	Date Concluded	Count
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C) and 21 U.S.C. § 846	Conspiracy to Distribute Buprenorphine, Ritalin, Xanax, and Adderall	December 2020	One
18 U.S.C. § 1001	False Statements to Department or Agency of the United States	December 3, 2020	Fourteen

The Court sentences the defendant as provided in this judgment. The Court imposes the sentence under the Sentencing Reform Act of 1984.

All remaining counts of the Indictment are dismissed upon motion of the United States.

The Court ORDERS that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and the United States Attorney of material changes in economic circumstances.

Date Sentence Imposed: March 4, 2024

  
Hon. Brett H. Ludwig, United States District Court

Date Judgment Entered: March 4, 2024

DEFENDANT: JOHN D. WHELAN  
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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of forty-eight (48) months on Count One and forty-eight (48) months on Count Fourteen to operate to run concurrently for a total sentence of forty (48) months.

- ☒ The Court makes the following recommendations to the Bureau of Prisons:  
FCI Mendota, Mendota, California
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the Probation or Pretrial Services Office on or after April 3, 2024.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

\_\_\_\_\_  
By: Deputy United States Marshal

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## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of Count One three (3) years and Count 14 three (3) years to operate to run concurrently for a total term of three (3) years.

### **MANDATORY CONDITIONS OF SUPERVISION**

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall not illegally possess any controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The Court finds there is a low risk of future substance abuse by the defendant and therefore suspends the drug testing requirements.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this Court as well as with any additional conditions below and on the attached page.

### **CONDITIONS OF SUPERVISION**

1. Unless directed otherwise by the probation officer, the defendant must report to the probation office in the federal judicial district where the defendant resides within 72 hours of release from imprisonment.
2. After initially reporting to the probation office, the defendant will receive instructions from the Court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed.
3. The defendant must not own, possess, or have under the defendant's control a firearm, ammunition, destructive device, or dangerous weapon.
4. The defendant must not knowingly leave the federal judicial district without first getting permission from the Court or the probation officer.
5. The defendant must follow the instructions of the probation officer designed to make sure the defendant complies with the conditions of supervision.
6. The defendant must answer truthfully the questions asked by the probation officer related to the conditions of supervision subject to their Fifth Amendment right against self-incrimination.
7. The defendant must work full-time (at least 30 hours per week) at a lawful type of employment unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where they work or anything about their work (such as position or job responsibilities), the defendant must tell the probation officer at least ten calendar days before the change. If telling the probation officer in advance is not possible due to unanticipated circumstances, the defendant must tell the probation officer within 72 hours of the change.
8. The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant must tell the probation officer at least ten calendar days before the change. If telling the probation officer in advance is not possible due to unanticipated circumstances, the defendant must tell the probation officer within 72 hours of the change.

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**DEFENDANT: JOHN D. WHELAN****CASE NUMBER: 21-cr-0005-bhl-1****CONDITIONS OF SUPERVISION (continued)**

9. If the defendant knows someone is committing a crime, or is planning to commit a crime, the defendant must not knowingly communicate or interact with that person in any way.

10. The defendant must allow the probation officer to visit the defendant at reasonable times, at home or other reasonable locations, and the defendant must permit the probation officer to take any items prohibited by the conditions of supervision that the probation officer observes in plain view.

11. If the defendant is arrested or questioned by a law enforcement officer, the defendant must tell the probation officer within 72 hours.

12. The defendant must not make any agreement with a law enforcement agency to act as an informer or a special agent without first getting the permission of the Court.

13. The defendant shall participate in a mental health treatment program and shall take any and all prescribed medications as directed by the treatment provider and participate in any psychological/psychiatric evaluation(s) and counseling as approved by his supervising probation officer. The defendant shall pay the cost of such treatment under the guidance and supervision of his supervising probation officer.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the attached page.

**Total Special Assessment**  
**\$200.00**

**Total Fine**  
**Waived**

**Total Restitution**  
**None**

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

PAYEE	AMOUNT
<b>TOTAL:</b>	

If a defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

- ☐ The determination of restitution is deferred until \_\_\_\_\_. *An Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ Restitution amount ordered pursuant to plea agreement: \$\_\_\_\_\_.
- ☐ The defendant must pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that the interest requirement is waived for the ☐ fine ☐ restitution.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

The defendant's obligation to pay the \$200.00 special assessment begins immediately.

After his release from custody, the defendant must make payments toward the remaining balance of the special assessment and restitution obligations of no less than \$25 per month, until paid in full, to start thirty days after he is released from custody.

The defendant must make all criminal monetary penalty payments, except any payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) special assessment, (2) restitution principal and (3) costs (if any, including the costs of prosecution).

- ☐ Joint and Several (Defendant and Co-Defendant Names, Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate): \_\_\_\_\_
- ☐ The defendant shall pay the cost of prosecution; or ☐ The defendant shall pay the following court costs:
- ☒ The defendant shall forfeit the defendant's interest in the following items of property to the United States:
1. a money judgment of forfeiture in the amount of \$285,000; and
  2. the residential real property located at 2715 Newberry Avenue, Green Bay, WI 54302, further described as: Lot 73, Edison Park, in the City of Green Bay, East side of the Fox River, Brown County, Wisconsin. Parcel ID: 21-4461.